

NO. 1320 P. 1

Nixon Peabody LLP
Attorneys at Law

Suite 900
401 9th Street, N.W.
Washington, D.C. 20004-2128
(202) 585-8000

RECEIVED
CENTRAL FAX CENTER
NOV 02 2004

Fax: (202) 585-8080

PRIVILEGE AND CONFIDENTIALITY NOTICE

The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (202) 585-8000 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

FAX

To:	Company	Fax #:	Telephone #:
1) Ex. Albert Mark Navarro Group Art Unit 1645	USPTO	703-872-9306	
2)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Jeffrey A. Lindeman	Date: November 2, 2004	No. of Pages: 28 (including this page)	Client/Matter: 032034-001000
---------------------------	------------------------	---	------------------------------

Comments:

Re: U.S. Patent Application No. 09/842,776
Filed: April 27, 2001; By: Christian Reiter et al.
Title: Method for Detecting Acid-Resistant Microorganisms In The Stool

Attached please find:

Transmittal Sheet
Amendment w/enclosures: Application Data Sheet
Official Filing Receipt
Fee Transmittal Form dated 4/21/01
Budapest Treaty Deposit Receipts (4)

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office; Fax No. (703) 872-9306 on November 2, 2004.

Shoshone Abdulkariem

Original of the transmitted document will be sent by:

o First Class Mail

☐ Overnight Mail

☐ Hand Delivery

o This transmission will be the only form of delivery of this document

IF YOU DO NOT RECEIVE ALL OF THESE PAGES, PLEASE CONTACT THE FAX OPERATOR AS SOON AS POSSIBLE AT: (202) 585-8000. THANK YOU.

CONFIRMATION: DATE SENT _____ TIME _____ BY _____

RECEIVED CENTRAL FAX CENTER

Please type a plus sign (+) inside this box → [+]

NOV 02 2004

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. (OMB 0651-0031)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

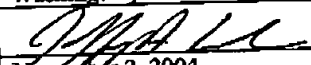
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/842,276
		Filing Date	April 27, 2001
		First Named Inventor	Christian Reiter
		Group Art Unit	1645
		Examiner Name	Albert Mark N. arro
Total Number of Pages in This Submission	27	Attorney Docket Number	032034-1000

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input checked="" type="checkbox"/> Other Enclosures: Application Data Sheet Official Filing Receipt Fee Transmittal Data 4/21/2001 Budapest Treaty Deposit Receipts (4)
Remarks: <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 19-2380 for the above identified docket number.		

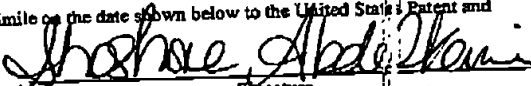
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Jeffrey A. Lindeman, Reg. No. 34,658 Nixon Peabody LLP 401 9 th Street, N.W. Suite 900 Washington, D.C. 20004-2128
Signature	
Date	November 2, 2004

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

October 27, 2004
Date


 Signature
 SHOSHONE ABDUL ARIM



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOTAL CLAIMS	IND CLAIMS
09/842,776	04/27/2001	1651	355	41735		6	3

CONFIRMATION NO. 4137

FILING RECEIPT



0000000006520013

Dean H. Nakamura
Roylance, Abrams, Berdo & Goodman, L.L.P.
Suite 600
1300 19th Street, N.W.
Washington, DC 20036-2680

Date Mailed: 09/06/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Christian Reiter, Residence Not Provided;
Gerhard Cullmann, Residence Not Provided;
Ulrike Heppner, Residence Not Provided;
Meret Lakner, Residence Not Provided;
Achim Ringeis, Residence Not Provided;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF PCT/EP99/08212 10/29/1999

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 98 120517.2 10/29/1998
EUROPEAN PATENT OFFICE (EPO) 98 120687.3 11/06/1998

If Required, Foreign Filing License Granted 09/06/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

DHN

Doc'd	File # 1735
Rec'd	
SEP 7 2001	
ROYLANCE ABRAMS BERDO & GOODMAN, L.L.P.	
BY	<i>[Signature]</i>

Title

New method for detecting acid-resistant microorganisms in the stool

Preliminary Class

435

Data entry by : AMARE, TSION

Team : OIPE

Date: 05/06/2001

[illegible]

FEE TRANSMITTAL FORMAttorney Docket No.: **41735**

ASSISTANT COMMISSIONER OF PATENTS

BOX: PATENT APPLICATION

Washington, D.C. 20231

Transmitted herewith for filing is the patent application of

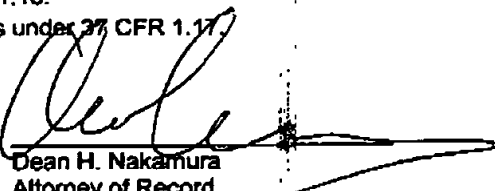
Inventors: Reiter, Christian; Cullmann, Gerhard; Friedrichs, Ulrike; Heppner, Petra;
Lakner, Meret; and Ringeis, Achim

For: DETECTION OF ACID-RESISTANT MICROORGANISMS IN STOOL

The filing fee has been calculated as follows:

(Col. 1)		(Col. 2)		SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
FOR:	NO. FILED		NO. EXTRA	RATE	FEE		RATE	FEE
BASIC FEE					\$355.00			\$
TOTAL	8	- 20=	0	9 =	\$		x 18 =	\$
INDEP	3	- 3=	0	40 =	\$		x 78 =	\$
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				+ 130 =	\$		260 =	\$
If the difference in Col. 1 is less than zero, enter "0" in Col. 2				TOTAL	\$355.00		TOTAL	\$

- ☒ This application is being filed without an executed oath or declaration. The application is a continuation of PCT Ser. No. EP99/08212 filed 29 October 1999, which claims benefit to EP Ser. No. 98 120517.2 filed 29 October 1998 and to EP Ser. No. 98 120687.3 filed 6 November 1998.
- ☒ Kindly cancel without prejudice claims 5-12 and 15-53.
- ☒ Kindly charge the filing fee of \$355.00 to cover the above-calculated filing fee to Deposit Account No. 18-2220.
- ☒ The Commissioner hereby is authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 18-2220. A duplicate copy of this sheet is attached.
- ☒ Any additional excess claim fees under 37 CFR 1.16.
- ☒ Any additional patent application processing fees under 37 CFR 1.17.

Dated: 27 April 2001

 Dean H. Nakamura
 Attorney of Record.
 Reg. No. 33,981

 Roylance, Abrams, Berdo & Goodman, L.L.P.
 1300 19TH Street, N.W., Suite 600
 Washington, D.C. 20036-2680
 (202) 659-8076

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Connex GmbH
Am Kloperspitz 19
82152 Martinsried

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR:

HP 16m/2A5-E6-E5

Accession number given by the
INTERNATIONAL DEPOSITARY AUTHORITY:

DSM ACC2356

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

☒ (X) a scientific description☐ () a proposed taxonomic designation

(Mark with a cross where applicable).

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 1998-06-11
(Date of the original deposit).

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International Depositary Authority on (date of original deposit)
and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request
for conversion).

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: DSMZ-DEUTSCHE SAMMLUNG VON
MIKROORGANISMEN UND ZELLKULTUREN GmbHAddress: Mascheroder Weg 1b
D-38124 BraunschweigSignature(s) of person(s) having the power to represent the
International Depositary Authority or of authorized official(s):

U. W. L.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Connex GmbH
Am Kloperspitz 19
82152 Martinsried

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: HP 15m/3E8-D9-D6	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM ACC2355
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable).	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 1998-06-11. (Date of the original deposit).	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I. above was received by this International Depositary Authority on (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having power to represent the International Depositary Authority or of authorized official(s): V. W. W. W.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Connex GmbH
Am Kloperspitz 19
82152 Martinsried

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page:

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the DEPOSITOR:

HP 8m/4H5-D4-C9

Accession number given by the
INTERNATIONAL DEPOSITARY AUTHORITY:

DSM ACC2360

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I. above was accompanied by:

☒ a scientific description☐ a proposed taxonomic designation

(Mark with a cross where applicable).

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 1998-06-11.
(Date of the original deposit).

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International Depositary Authority on (date of original deposit)
and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request
for conversion).

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: DSMZ-DEUTSCHE SAMMLUNG VON
MIKROORGANISMEN UND ZELLKULTUREN GmbHAddress: Mascheroder Weg 1b
D-38124 BraunschweigSignature(s) of person(s) having the power to represent the
International Depositary Authority or of authorized official(s):


U. U. U. U.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

Connex GmbH
Am Kloperspitz 19
82152 Martinsried

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: HP 9.1m/3C2-F8-E2	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM ACC2362
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable).	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 1998-06-11 (Date of the original deposit).	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on (date of receipt of request for conversion).	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): 

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.